

In re ) Fair Hearing No. 21,266  
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Appeal of )

The petitioner appeals the decision by the Department for Children and Families, Economic Services imposing a sanction on her RUFA benefits for her failure to participate in required Reach Up activities. The issue is whether the petitioner had good cause for her failure to meet Reach Up requirements.

1. At all times pertinent to this matter the petitioner has received RUFA benefits and has been a mandatory participant in the Department's Reach Up program.

2. On October 26, 2007 the petitioner failed to attend a scheduled meeting with her Reach Up worker and did not call her worker to explain her absence. That same day the worker sent the petitioner a notice giving the petitioner until November 7, 2007 to contact her to show good cause for missing the meeting.

3. Having not heard from the petitioner, on November 9, 2007 the worker sent the petitioner a letter scheduling a conciliation meeting. The worker sent the letter by certified and regular mail. The certified letter was returned as not signed for. The regular mail letter was not returned.

4. The petitioner failed to appear at the conciliation meeting and did not contact her worker.

5. During this same time (November 2007) the petitioner's RUFA benefits came up for periodic review. The petitioner's benefits worker sent the petitioner a letter scheduling a review meeting. When the petitioner failed to attend the meeting the benefits worker sent her a notice closing her RUFA grant.

6. The petitioner did respond to this notice, and she subsequently met with her benefits worker on November 30, 2007. As a result, the petitioner's RUFA grant was not closed. However, the benefits worker was unaware of the problem the petitioner was having regarding her Reach Up conciliation, and this aspect of the petitioner's case was not discussed at the November 30 meeting.

7. On December 3, 2007, having heard nothing from the petitioner after she had not appeared at her conciliation

meeting, the Reach Up worker generated a notice imposing a sanction of \$75 on the petitioner's RUFA grant effective January 1, 2008. The same notice scheduled the petitioner for an appointment at Reach Up on January 2, 2008. The petitioner appealed her sanction on December 20, 2007.

8. The petitioner failed to attend the meeting on January 2, but she did call her worker immediately afterwards, and another meeting was scheduled for January 9, 2008. The petitioner attended the January 9 meeting and entered into a family development plan (FDP) with Reach Up.

9. At the hearing in this matter, held on January 15, 2008, the Department stated that another Reach Up meeting was scheduled for February 8, and that if the petitioner complied with the FDP she had entered into on January 9, her sanction would be lifted on that date, effective February 1.

10. At the hearing the petitioner admitted not attending the Reach Up meetings in November, but alleged that she lived with her sister, who often didn't give her her mail, and that she had not received the Department's notices.

11. The petitioner also maintained that if her benefits worker had told her about the pending sanction when they met on November 30, she would have immediately contacted Reach Up

in time to prevent the sanction notice going out on December 3, 2007.

12. At the hearing the petitioner insisted she was willing to cooperate with Reach Up. The hearing officer advised the parties that he would continue the matter and that if the petitioner followed through on her current FDP he would look favorably on her claim of good cause for missing the November Reach Up meetings. However, the hearing officer pointedly emphasized to the petitioner the importance of attending scheduled meetings, and he clearly advised her that any subsequent failure to comply would undermine the credibility of her claims regarding her mail and her alleged willingness to have complied in November.

13. In a letter to the Board dated February 12, 2008, the Department's attorney represented that the petitioner had failed to appear for her Reach Up meeting on February 8, and had not contacted her worker regarding her absence.

ORDER

The Department's decisions is affirmed.

REASONS

Included in the "types of noncompliance" in the Reach Up regulations is the failure or refusal to "attend or

participate fully in FDP activities." W.A.M. § 2370.1. The regulations further provide that the conciliation process shall be "determined unsuccessful when the individual . . . fails without good cause to respond to one written notice of a scheduled conciliation conference". W.A.M. § 2371.4. This regulation further provides that the sanction process begins when conciliation is unsuccessful. The initial (i.e., the first three months) sanction amount is \$75 a month per individual participant.

In light of the petitioner's failure to comply with Reach Up after her hearing, her allegations concerning her lack of receipt of notice of her Reach Up meetings in November are not deemed to be credible. Moreover, even if it could be found that another Department worker, working on another aspect of the petitioner's case, was under an obligation to inform the petitioner of her pending sanction, it is deemed improbable that the petitioner would have acted on this information in a manner sufficient to achieve compliance with Reach Up.

Inasmuch as the Department's decisions in this matter were in accord with the above, they must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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